

**ASSEMBLY BILL**

**No. 616**

**Introduced by Assembly Member Vargas**

February 19, 2003

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An act to amend Section 22852 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as introduced, Vargas. Vehicles: impoundment: storage notices.

Under existing law, whenever an authorized member of a public agency directs the storage of a vehicle, the agency or person directing the storage is required to provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage and to mail or personally deliver a notice containing specific information to the registered and legal owners.

The bill would provide that for legal owners who participate in receiving the notice electronically, as specified, that electronic notice is sufficient. The bill would require the Department of Justice to determine which legal owners and their agents may participate in receiving notices electronically.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22852 of the Vehicle Code is amended  
2 to read:

22852. (a) Whenever an authorized member of a public agency directs the storage of a vehicle, as permitted by this chapter, or upon the storage of ~~any~~ a vehicle as permitted herein (except as provided in subdivision (f) or (g)), the agency or person directing the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage.

~~(b)~~

(1) A notice of the storage shall be mailed or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays, and shall include all of the following information:

~~(1)~~

(A) The name, address, and telephone number of the agency providing the notice.

~~(2)~~

(B) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

~~(3)~~

(C) The authority and purpose for the removal of the vehicle.

~~(4)~~

(D) A statement that, in order to receive their poststorage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

*(2) For a legal owner participating in receiving notice under this paragraph, the notice requirements of paragraph (1) are satisfied by the public agency electronically transmitting the information set forth in paragraph (1) to the Department of Justice, Stolen Vehicle System, and the Department of Justice electronically transmitting the information to the legal owner. The Department of Justice shall determine which legal owners and their agents may participate in receiving notice under this paragraph.*

(c) The poststorage hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle.

1 (d) Failure of either the registered or legal owner, or his or her  
2 agent, to request or to attend a scheduled hearing shall satisfy the  
3 poststorage hearing requirement.

4 (e) The agency employing the person who directed the storage  
5 shall be responsible for the costs incurred for towing and storage  
6 if it is determined in the poststorage hearing that reasonable  
7 grounds for the storage are not established.

8 (f) This section does not apply to vehicles abated under the  
9 Abandoned Vehicle Abatement Program pursuant to Sections  
10 22660 to 22668, inclusive, and Section 22710, or to vehicles  
11 impounded for investigation pursuant to Section 22655, or to  
12 vehicles removed from private property pursuant to Section  
13 22658.

14 (g) This section does not apply to abandoned vehicles removed  
15 pursuant to Section 22669 which are determined by the public  
16 agency to have an estimated value of three hundred dollars (\$300)  
17 or less.

